

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

JUN 20 2018

Clerk, U.S. District Court
District Of Montana
Missoula

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT D. SMITH,

Defendant.

CR 18-18-M-DLC

FINDINGS AND
RECOMMENDATION
CONCERNING PLEA

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to one count of being a felon in possession of a firearm and ammunition in violation of 18 U.S.C. § 922(g)(1) as set forth in the Indictment filed against him. Defendant further agrees to the forfeiture allegation in the Indictment.

After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering an informed and voluntary plea to the criminal offense charged against him, and an informed and voluntary admission to the allegation of forfeiture;
2. That the Defendant is aware of the nature of the charge against him and the consequences of pleading guilty to the charge;
3. That the Defendant understands the allegation of forfeiture and the

consequences of admitting to the allegation;

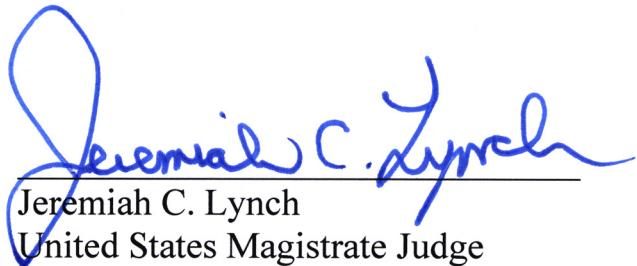
4. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights by pleading guilty to the criminal offense charged against him, and admitting to the allegation of forfeiture;

5. That both his plea of guilty to the criminal offense charged against him and his admission to the allegation of forfeiture are knowingly and voluntarily entered, and are both supported by independent factual grounds sufficient to prove each of the essential elements of the criminal offense charged and the legal basis for the forfeiture.

Therefore, I recommend that the Defendant be adjudged guilty of the referenced offense charged in the Indictment, and that sentence be imposed. I further recommend the agreed forfeiture be imposed against Defendant.

This report is forwarded with the recommendation that the Court defer a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.

DATED this 20th day of June, 2018.


Jeremiah C. Lynch
United States Magistrate Judge